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supply, and sold briskly at \$3 a bushel, according to quality. Swine are beginning to arrive freely at market, and prices declined to per pound. The quoted rates are 7 1/2 c a 7 3/4 c.

There was a further improvement in breadstuffs yesterday, and more activity, caused by an improved export market and light receipts. Common grades of flour advanced a cent to 60 cents per barrel. Wheat, with sales of 600 to 650,000 bushels, advanced 20 to 30 c per bushel. Corn advanced about 20 c per bushel, with a fair amount of sales. Included in the transactions were 11,000 bushels of corn for export, at 40 c per bushel. This movement is caused to some extent by information received regarding the extent of the potato rot in Ireland. Private letters speak of its progress and extent, both in Ireland and England, as being more extensive and serious than the newspaper accounts would lead one to believe. With our large crops, should high prices be maintained, which must be the case, more or less with corn, wheat and rice, and probably also with breadstuffs, a strong recuperative action in our monetary affairs, and on a more solid and healthy basis, will probably ere long be realized. The sales of cotton yesterday were confined to some 400 bales, at quotations given elsewhere. Pork was quiet at \$26 for mess, and dull at \$21 for prime sugar. We sold to the extent of about 1,200 hogs, with a cut in price. Sales of 1,800 hogs to coffee and 200 tons of Java were made at prices given in an other column. Freight was more east, and some less on the advance. Flour and grain were concerned, on account of the advance in breadstuffs.

Independence of the Judiciary—Judge Denio's nomination.

The singular justification of the democracy at Syracuse involved in the re-nomination of Judge Denio for the Court of Appeals, is beginning to excite a good deal of newspaper discussion on the independence of the judiciary, the elective system of Judges and the proper mode of nominating our judicial candidates. But we can discuss nothing in all the special pleading from various quarters that has come before us in defence of this nomination of Judge Denio, proving it either consistent with the principles of the democratic party or essential to the doctrine of an independent judiciary, when we have no such thing—our judiciary being dependent upon the will of the people.

There is a manifest contradiction between the declaration of the Syracuse Convention of "uncompromising hostility" to the usurpations of the Seward oligarchy of our last Legislature and the nomination of Judge Denio, upon whose decision the most odious of these usurpations is declared a constitutional act, valid and binding upon all concerned. "Uncompromising hostility" to this encroachment and an endorsement of the act cannot go very well together. If a candidate for Judge is nominated as a party man he should be held to the principles of the party; if nominated independently of party considerations, then there are no party obligations in force to support him. Thus much is a partisan view of the case.

N. x. t. as to the assertion in this nomination of Judge Denio, of the great principle of the independence of the judiciary. The doctrine sounds well; but reduced to a close analysis under our elective system it becomes nothing but a glittering and unmeaning generality. This idea of an independent judiciary is derived from the example of our English ancestors, whose laws and institutions enter so largely into the framework of our own. But while the appointment in England of Judges for life, independent of the smiles, frowns, intrigues or caprices of the court or the appointing power, is one thing—the election from time to time by the sovereign people of our Judges in New York is quite another thing.

The great fundamental principle underlying every branch of our government is the sovereignty of the people, and the supremacy of the will of the people. Thus, even the Judges of our Court of Appeals have been made elective by the people for a limited term, in order that the people, from time to time, may make such changes among their judges as they may deem expedient. During the term of his office the Judge is beyond all interference with his legal decisions, and they, coinciding with the majority of the Court, are the supreme law. To this extent we have an independent judiciary, but no further. With the expiration of his term of office the Judge becomes a private citizen, and with no further claims to a re-election by the people than can be furnished by his judicial decisions affecting the rights, the liberties and the wishes of the people.

The object and essence of an elective judiciary is to restrain the action even of that branch of the government, subject, from time to time, to the sovereign judgment of the people. We might as well have our Judges appointed at once for life, if they are to be re-elected from time to time, so long as they shall right or wrong, conscientiously discharge the duties of their office. But as this power, possessed by the people, of a periodical election of their Judges, includes the power to elect new ones, the pretence that the re-nomination of Judge Denio is essential to the independence of the judiciary falls to the ground.

Granted that Judge Denio's decision upon the Police act was faithfully rendered according to his views of the constitution, he knew very well that that decision was subject to another court of appeal, in which the people of the State of New York are the supreme judges; and he was doubtless prepared either for a nomination or a rejection by the democracy at Syracuse, upon the exact constitutional merits of his decision. But what can we, or what can be think of a nomination by a body of men declaring "uncompromising hostility" to the act which he approved, and yet nominating him as their faithful expounder of the law? Is this the way to maintain an independent judiciary? Can we denounce the wrong, and applaud the wrong doer at the same time?

Our impression is, however, that the pretence that the nomination of Judge Denio for a re-election was a party concession to the independence of the judiciary is a false pretence, and that other influences connected with the legislative branch of the government secured his nomination. We believe that the Metropolitan Police act was a gross usurpation of the local municipal rights of this city and of other places within this present Metropolitan Police district—

we believe that it was an act of usurpation striking at the very basis of our ancient local charters and liberties and privileges—we believe that a large majority of the people of this district and of the State hold this act to be an unconstitutional act, and that the masses of the democratic party have been disappointed and deceived by their Syracuse Convention. We believe that this nomination of Judge Denio was not a concession to the doctrine of an independent judiciary, but a concession to the Seward oligarchy, and a very wise one, too.

The usurpations of the late black republican Legislature, the decision thereon of Judge Denio, and his nomination for a re-election, as we take it, are all of the same piece of cloth. Coupled with the Syracuse democratic platform, this nomination is a mockery and a stumbling block to the masses of the party, and an offence to the intelligence of the people. If the people may not touch the crime of a Judge on the ground that this would interfere with the independence of the

judiciary, why let the people abandon the right and the power which they hold to reserve a judge-tramplung upon their rights; and let them demand that their Judge be appointed for life.

Thus we may have, indeed, an independent judiciary, and we may place it above all corrective appliances, whether its decisions are good or bad, or consistent or inconsistent, with our system of popular institutions and popular rights.

But while we have an elective judiciary resting upon the intelligence of the people—a system under which the decisions of our Judges, from the lowest to the highest, in the persons of the Judges themselves, are rendered subject, from time to time, to the popular judgment, why place to us of an independent judiciary? Let us abide by our political system as it exists. If a party has a nomination to make to fill an occurring vacancy on the bench, let the candidate and the principles of the party—at least upon the fundamental issues of the constitution—approximate to something like consistency. The rule which governed Judge Denio's nomination would also justify the nomination by the democracy of Gerrit Smith or W. H. Seward for the same office. This Syracuse process for securing an independent judiciary through the nomination of party candidates, in defiance of unconstitutional laws and party principles, is, in a word, a miserable delusion.

THE GALE ON THE SOUTHERN COAST.—Our Southern coast has again been visited by one of those terrible storms that have made the month of August so disastrous to the shipping interests. From the accounts that have come to us from several quarters, and particularly from the report of one of the passengers from Havana by the steamship Empire City, which is published in another column, we learn that the gale began on Wednesday, the 9th instant, off the coast of Florida, and that between that day and Sunday, the 13th it swept the entire range of coast from Cape Canaveral to Cape Hatteras. The destruction caused by this hurricane will probably amount to millions of dollars, as the disasters that we are as yet enabled to report are those of a few steamers that survived the gale, or of vessels that probably were caught within its outer circle.

The Empire City is safe at Norfolk, and most of her passengers came on last evening; but the mails were delayed by some misunderstanding or improper course on the part of the Postmaster at Norfolk, who refused to forward them. As they contain large remittances from Havana, which in the present state of our money market are eminently desirable to the recipients here, this delay may cause serious injury. The telegraph advises us that they have now been sent on, but the conduct of the dilatory Postmaster should be inquired into. The steamship Southern has reached Charleston in a disabled condition, and we announced the safety of others in our yesterday's issue. But some anxiety will be felt for the steamship Central America. She left Havana on the 8th, with some six hundred souls on board, including crew and passengers, and \$1,600,000 in treasure. She soon ran away from the Empire City, after leaving Havana, and it is to be feared that she encountered the heaviest part of the gale. We learn that the steamship Daniel Webster, which leaves to-day for Havana, instead of the Empire City, will have directions to look out for the Central America, and it is probable that the Northern Light, which will leave on the 20th for Aspinwall, in place of that ship, will have the same. It is to be hoped that she may be heard of from Nassau or some part of the Bahama banks, as when the gale struck the Empire City it was blowing from the Northwest.

THE POLICE DESCENT UPON THE OSCURER LITERATURE.—There is, we believe, a little remnant of faith in what is called rural simplicity, and we have no doubt that there are a great many nice people who believe that Philomel is more virtuous dressed in homespun and making hay, than when attired in broadcloth and balancing a yardstick in a Broadway bazaar—that Philis is pure as the running water of her own mountain brooks, while the mind of her city cousin flows with pollution like the metropolitan sewers. In fact, our country cousins would have us believe that New York is a Gomorrah, doomed to eternal perdition, while the rural districts are Canaan, where the chosen few dwell forever in innocence, purity, truth and love.

We have several times been called upon to insinuate, in a delicate way, that this was an erroneous idea—that the moral condition of the city, all things considered, was much higher than the country. Our Boston contemporaries have been especially indignant at the comments of the Herald in relation to the degeneracy of the Puritan stock, and have even been so impudent as to deny the truth of certain positive facts drawn from their own columns to support our position. We have now to call their attention to some further particulars of a recent seizure of obscene books and plates made by the police of this city, and beg that they will note the fact that the business of the proprietor of the stock so taken was almost entirely located in the country, and the greater part of it in New England.

The books of the concern show that the chief profit was derived from correspondents in Boston, and that its sales to its Athenian branch were much larger than to any other of its agents. Indeed, it has not, so far, appeared that there was any demand for the filthy trash in New York city, and that the police have given the public the first intimation of the fact that any such establishment existed. We are glad to see that the respectable bookellers of this city had no part in circulating the poisonous stuff, and that they resisted the temptation held out by the extraordinary profit derived from the foul business.

This exposed by the police proves distinctly what we have so often alleged—that the vice and immorality of the city is drawn from the country. We believe that it is notorious that there is more concealed lewdness, more sly rum drinking, in the small cities—Boston, Philadelphia, Providence, Buffalo, Cleveland, Cincinnati and Chicago—than in New York. The chief demand for obscene books and nasty newspapers is in the small manufacturing towns in New England, and it is from these same towns that the brothels of the metropolis are chiefly recruited. The police can prove that the prostitutes of this city come chiefly from New England and the other side of the Atlantic; that it is a rare thing to find a woman born and bred in the city an inmate of a house of ill fame. These obscene books are published here, because the solitude of a great city affords the best shelter for crime—the best means of disseminating its work and of safely collecting its profits. Having been published, the books are eagerly snatched up in the rural districts, and the seed they sow brings forth fruit for the brothel, the prison and the hospital. Indeed it is within the knowledge of the police that

there have been found men so vile as to place in the hands of poor factory girls the poisonous stuff, for the express purpose of preparing them for a life of public shame. It is a sad commentary upon the morals of the country, that the victims are generally found eager for the sacrifice.

So with other criminals. That notorious woman, whose escapades have lately attracted so much attention, was brought up and educated in the country, and yet her case has been seized by the rural press as a text whereon to preach long homilies upon the vice and immorality of the metropolis; and if one reads carefully the reports of the Court of Sessions, he will find that the majority of prisoners brought before it are fresh from green fields and babbling brooks. Quacks and quack medicines also abound in New York; but they would starve were it not for their country patrons. The people in the rural districts allow themselves to be poisoned mentally and physically; and some good old women in New England have such faith in humbug vegetable pills as to physic and purge themselves when they are not ill. Is it remarkable that the children of these people should be likewise ignorant and credulous, and that having once fallen they should flee to a great city as the best shelter from the consequences of their vices and the best field wherein to practice their wiles?

We cannot allow the people of our city to be abused for the crimes and follies of their country cousins. We suffer sufficiently for them without that.

The late seizure by the police will doubtless put an end to the trade for a short time, but while the country demand is so great other persons will doubtless be found ready to risk the penalty for the sake of the profit. Meanwhile, we trust that the law will be thoroughly carried out, and we are induced to believe that the police were lax in performing their first duty, which was to burn all the books. We have heard that the office of one of our philosophic and philanthropic contemporaries was quite flooded with specimens of this curious literature. Can it be that the black republicans intend to use the books as campaign documents during the coming contest?

The New Filibustering Expedition—Policy of the United States.

It is now pretty well understood that a new filibustering expedition is in process of organization, which is intended to be on a more comprehensive scale than any which has preceded it, and better defined in its purposes. The nucleus of this new organization is still the bold adventurer Walker, in whose star, notwithstanding his many failures, some, it appears, still place faith, and it is asserted that it will number fully three thousand men. He is aided, it is said, by a number of officers of the United States army, who are weary of waiting for the tardy glories of the national service, and who think that science in the field will accomplish what courage and daring have failed to effect. Walker is reported to have put himself in their hands; he is to furnish the prestige and they are to contribute the skill, which, combined, it is supposed, will be irresistible. It is estimated that General Walker will have to conform to the decisions of his officers in all military matters, and that his availability consists in his title as "President of Nicaragua." He will go back to resume his government—not as a filibuster, violating the laws of the United States and trespassing on the rights of a peaceful neighbor, but as a citizen, obedient to the call of his confiding and affectionate countrymen.

A portion of the argument upon which the new movement is based will be found in a letter of Gen. Walker, addressed to a gentleman in Georgia, which we publish in another column; but it does not cover the ground it purports to in its opening paragraph. There is a want of logical deduction in defending the introduction of slavery in Nicaragua on the ground that by so doing the interests of a sectional portion of this country were subserved, or from the reason that neighboring republics were making treaties to exclude it forever from their own territories. If the social requirements of Nicaragua do not call for the introduction of slavery, it would be unjust to that republic to use her merely as an instrument to serve the interests of other countries; and we doubt not that a much better argument for his course in relation to the annulling of the laws of the old Constituent Assembly might have been found in her own domestic policy than in the citation of reasons in which she may not participate. In accordance with the tone of this letter, the new movement thus far has been confined strictly to the Southern States, and it is from them alone that the money and the men are to be drawn. In fact, the hero of Sonora and Rivas is in no wise enamored of the North. His reception in New York was on the whole rather a chilling one.

Courage, joined to an obstinate perseverance, is a great quality, no doubt; but the man who is to build up a new empire, and mould and harmonize an alien people, must have the power to construct, as well as to tear down—to conciliate and attack, as well as to overawe and terrify. But we do not propose to discuss Walker or his character. In whatever way hereafter occur, in the direction which he has indicated, it is very probable that his part will be a subordinate one. Should the present expedition get fairly started and meet with success, nothing is more certain than that Walker will be succeeded by other and able leaders.

We are, however, anxious to know what policy the government proposes to itself in this matter. It cannot be ignorant of what is going on; it must know that a number of its army officers are engaged in organizing the expedition; it cannot be ignorant of the fact that the timid are encouraged to join in the movement, or to aid it with money, on the assurance that the scheme is viewed at Washington in a favorable light, and that no impediment to its success will be offered by the federal government.

It is certainly time that our government had a policy in Central America. If it is desirous of aggregating any or all of the Isthmus States, the task will be in no way difficult. Most of them would rejoice to surrender their stately nationality to the slightest demonstration of force on the part of the United States as such; while all would resist to the last any private assault on their independence. In that case the change would be effected without humiliation, and the States themselves feel that they were safe and likely to be prosperous and happy in their new relation.

If not prepared for this, and if disposed to leave the rescue of these States from their present hopeless condition to private enterprise and daring, then let the conduct of the government be at least consistent. Let it not be a party to the murder of its own citizens, by permitting

them to leave these shores and enter a hostile country, and then, under a sudden spasm of neutrality, cut off their supplies, upon which their very lives are depending, as was done by Marcy and poor Pierce after permitting the Lopez expedition to leave the country.

In one word, it is the duty of this government to permit this expedition to sail freely, and its supplies and reinforcements to follow without let or hindrance, so that its permanent success may be assured, or at once to crush it out with the whole weight of the executive arm. The many American hearts that are cold and decaying under Nicaraguan soil, and the thousands of suffering wretches who have dragged back their ulcerating limbs, all demand that the American government shall trifle in this matter no longer. Let us have no repetition of the scenes of Granada and Rivas. There must be no further attempts on Nicaragua; or if allowed to be made, humanity urges that they should not be permitted to fail.

NEWSPAPER STOCKJOBBER EDITORS.—To conduct a leading journal and to gamble in stocks of any kind are hardly compatible occupations. When a blacksmith has too many irons in the fire some of them must get cool. In the existing revulsion among railroads and other speculative stocks, the managers and principal proprietors of two of our daily journals have speculated beyond their depth, and gone to the wall—at least to a certain extent. Mr. Thomas McElrath was one of the original founders, conductors and managers of the New York Tribune, but whilst he was managing that journal he was eternally dabbling in speculations of one sort or the other. During the recent railroad mania he became an agent for the sale of railroad bonds, advancing his own funds on such securities, speculating in other funds, purchasing country seats and building town palaces. He was also an officer of the Nassau Bank, and had facilities for borrowing money on the credit of the Tribune establishment to the extent, it is said, of \$10,000. He has succumbed to the pressure of the day, been compelled to part with his interest in the Tribune, and to clear out, and abandon that concern altogether.

The other newspaper man is one of the principal proprietors of the Daily Times, by name Mr. Wesley, and for anything we know a lineal descendant in piety and purity of the famous Rev. John Wesley. Originally he kept as a broker there, and was intimately connected with the stockjobbers of the Central Railroad and other prominent speculators in the capital of our State. He came down to New York and purchased the major part of the interest in the Times, including all the "little villains" of that concern, whom we suppose formed part of the property, and started afresh as a newspaper conductor and broker, for the buying and selling of stocks in Wall street. He was engaged for the Albany clique, above referred to, in buying and selling stocks, and in "bearing" and "bailing" the same, until the other day the pressure overwhelmed him, when he had to suspend for a few hours and get an extension from his brother brokers. It is stated in some of the newspapers that as agent for this railway clique he has had to pay \$100,000 of differences on the bulling and bearing operations of the last few months.

Such are a few specimens of the managers of the stockjobbing journals of New York, which for the last year or two have endeavored to deceive the country by bolstering up rotten enterprises, and humbugged the uninitiated by palming off bogus stocks on them. The present financial crisis is as yet principally confined to the stockjobbing and stock gambling interests; and with good management and the exercise of liberality on the part of the banks of this city—which are well conducted—it is to be hoped that some amelioration will soon take place in the stringency of the times.

THE LATEST NEWS.

Interesting from Washington. THE AMERICAN MINISTER AT MADRID HEAD FROM APPOINTMENT OF SECRETARY OF LEGATION AT PARIS.—COMMANDER DABLERG AT LISBON.—OUR TREATY WITH SIAM.—START OF ONE OF THE KING OF SIAM TO AN AMERICAN MAN OF WAR.—ASSASSINATIONS AND PRODUCTIONS OF SIAM, &c.

WASHINGTON, Sept. 16, 1857. Despatches were received to day at the State Department from Mr. Dodge, our Minister to Spain, relative to the Spanish Mexican imbroglio. He has just ascertained that there will be no war, and that all differences will be adjusted through the mediation of France and England. This is the first and only intelligence received from him for upwards of six months.

W. R. Calhoun, of South Carolina, late an officer of the army, and nephew of John C. Calhoun, deceased, has been appointed Secretary of Legation at Paris.

The Navy Department has received a letter, dated Lisbon, August 18, from Commander Dablerg, of the United States frigate ship Plymouth. Arrangements were being made to leave next day. The passage from the coasts of Virginia to the Bay of Biscaya, was made in ten and a half days. The ship is healthy and in good condition, for which great credit is due to the officers. During the stay of the Plymouth in Lisbon there had been no British or French ships of war there. A Dutch man-of-war, the De Ruyter, was at the port when the ship arrived, and since that a screw frigate, the Wampanoag, and a ship of war the Graciosa, had come in from Holland, also a side wheel steamer. Commander Dablerg says, about the size of the Independence, and has on board a number of midshipmen who have just made the first stage of service in sea voyages. The frigates brought the Princes of Orange, who, being in the city, are making a tour of inspection. The proper ceremonial due to his rank was observed on board the Plymouth. The Wampanoag is the latest Dutch screw frigate, but few weeks in commission, and on a trial cruise. The commander affirmed the every facility for looking at her arrangements. On the gun deck are mounted twenty guns, which are heavy thirty pounders, except eight shell guns. On the fore-castle the heavy guns, which have similar appliances to those seen in the British navy. The engine is nominally three hundred horse power, but can be worked to five hundred, and can produce a speed of eight knots per hour on smooth water. On Sunday evening the United States Minister presented Commander Dablerg to the King, who conferred at length on the subject of commerce, in which he appeared exceedingly well versed.

The Navy Department has despatches from Commander Foote, in command of the Portsmouth, dated "Off Mexico, River San, June 16, 1857." The Portsmouth reached San from Singapore on the 2d of May last, six days from that port. Commander Foote and all the officers to be spared for such an expedition accompanied Mr. Conz, Secretary, the bearer of the treaty, in the King's steamer in Mexico, where they found ample accommodations for the trip. The King's steamer was a fine vessel, and provided for them by the King's directions. Some 700 men were present at the first interview between Mr. Foote and the San Commission, where the treaty was first discussed, relative to our recent rejection of the first act. During their stay at Bangkok the officers were presented to both Kings, and treated with distinguished consideration. The Second King having manifested much interest in the ship, her armament, &c., was invited to go on board, which he did, being the first royal visit to a ship of any foreign nation. He was accompanied by a suit of twenty princes and nobles, and spent the greater part of two days on board, going on shore at night. A royal salute was fired in his honor, the battery was exercised, and the ship maneuvered for his entertainment. He sent presents of food and other necessary articles on board, for which payment was positively declined.

The treaties of Siam with the United States and the Western European nations are doing much for the development of the commercial resources of the nation. Sugar and rice are the principal exports, and though the Siam machinery for the manufacture of the former is most imperfect, it is very abundant and cheap—three dollars for four dollars per hundred pounds. Several vessels were seen leaving it for the United States. The export of rice

to China is great, and there were three in port there last week, and several, besides many of other nations, loading it for Hong Kong. The Chinese are their agriculturists, mechanics and laborers.

Com. Foote attributes to the influence of the American missionaries the formal view of most of the late treaties of Siam with Western nations, which he thinks are already enabling that country to progress so rapidly.

I understand that quite a scene occurred on board of one of our steamers a few days since. Captain Buchanan, of the Navy, met Mr. Williams, of Maryland, on the deck of the boat and asked him, but the latter declined to return to the Captain. He afterwards approached Mr. W. and asked him if he had observed the subaltern "Yes," replied Mr. Williams, "but I don't recognize your right to speak to me," at the same time he was in the epithet to the Captain. Captain Buchanan was preparing for battle, but was knocked down before he had time to act. Heavily. The matter, I understand, is probably not yet fully cleared of these gentlemen had been neighbors and on intimate terms. Some little misadventure standing was the cause of the difficulty.

THE GENERAL NEWS.

WASHINGTON, Sept. 16, 1857. The financial crisis has in a great measure subsided. The Bank of Commerce continues to redeem its notes, but temporarily refuses depositors' checks. The run on the banking houses is discontinued, and they all continue to pay, and confidence is generally restored.

Of the sixty millions of domestic specie exported during the year ending the 30th of June, thirty one millions and nearly a third was bullion; and of the amount of two millions and a half of specie imported, little less than half was bullion. The above makes more specific the official table recently published.

Associate Justice Curtis was to-day officially notified of the acceptance of his resignation of his seat in the Supreme Court. The President, through the Attorney General, thanks him for postponing the time for it to take effect as the 1st of October.

News from California and the Sandwich Islands.

WASHINGTON, Sept. 16, 1857.

The Charleston Courier of the 10th inst., contains the details of the news from California per Central America, received by the Calaveras. It is generally destitute of interest.

The Metropolitan Theatre in San Francisco was burned on the 15th of August. The theatre twenty six acres and a half, and the building had been erected and a few months ago had been elected representative. Several majority for Governor was 510.

Sandwich Islands dates are to July 9. The case enormous abundance. The office had been attacked by blight and the yield would be reduced one third.

The Empire City at Norfolk.

NORFOLK, Sept. 16, 1857.

The steamship Empire City has \$70,000 in specie for New York. The mails will be despatched via Baltimore to-day. She did not ascertain the amount of specie or number of passengers in the Central America.

The Quaker City at Havana.